

## REMARKS/ARGUMENTS

In the Office Action mailed on August 17, 2009, claims 1-16 are rejected. However, Applicants hereby request reconsideration of the application in view of the below-provided remarks. No claims are amended, added, or canceled.

### Claim Rejections under 35 U.S.C. 102 and 103

Claims 1, 4, 6, and 11 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Lee et al. (U.S. Pat. No. 2005/0017783, hereinafter "Lee"). Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Lee in view of Huang (U.S. Pat. Pub. No. 2005/0156631). Claims 5, 7, and 15 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Lee in view of Mentze et al. (U.S. Pat. No. 7,030,654, hereinafter "Mentze"). Claims 8-10 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Lee in view of Chen et al. (U.S. Pat. No. 7,193,441, hereinafter "Chen"). Claims 12-14 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Lee in view of Rhee (U.S. Pat. Pub. No. 2001/0000949). Claim 16 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Lee in view of Chen and further in view of Mentze. However, Applicants respectfully submit that the pending claims are patentable over the cited references for the reasons provided below.

Applicants respectfully assert that neither Lee, Huang, nor Chen constitutes prior art for the current application. In particular, Applicants respectfully assert that the prior art dates of Lee, Huang, and Chen are all later than the effective filing date of the current application. In particular, the current application claims priority from the foreign application EP 04100502.6, which was filed on February 11, 2004. Thus, the effective filing date of the current application is the filing date of the foreign application EP 04100502.6, which is February 11, 2004.

Lee does not qualify as prior art under 102(b) because there is no evidence that the disclosure of Lee might have been described in a printed publication in the U.S. or a foreign country more than one year prior to the effective filing date of the current

application. Additionally, Lee does not constitute prior art for the current application under 35 U.S.C. 102(e) as explained below. Lee claims priority from the foreign application KR 2003-50268, which was filed on Jul 22, 2003. However, as stated in MPEP 706.02(f)(1)(D), “foreign applications’ filing dates that are claimed (via 35 U.S.C. 119(a)-(d), (f), or 365(a) or (b)) in applications, which have been published as U.S. or WIPO application publications or patented in the U.S., may not be used as 35 U.S.C. 102(e) dates for prior art purposes. This includes international filing dates claimed as foreign priority dates under 35 U.S.C. 365(a) or (b).” Lee was filed in the U.S. on July 13, 2004. Thus, the prior art date of Lee is later than the effective filing date of the current application, which is February 11, 2004. As a result, Applicants respectfully assert that Lee does not constitute prior art for the current application.

Huang claims priority from the foreign application TW 093101036, which was filed on January 15, 2004. However, Huang was filed in the U.S. on December 29, 2004. Thus, the prior art date of Huang is later than the effective filing date of the current application, which is February 11, 2004. As a result, Applicants respectfully assert that Huang does not constitute prior art for the current application under 35 U.S.C. 102(e).

Chen was filed on November 18, 2004. Therefore, the prior art date of Chen is later than the effective filing date of the current application, which is February 11, 2004. As a result, Applicants respectfully assert that Chen does not constitute prior art for the current application.

Thus, Applicants respectfully assert that neither Lee, Huang, nor Chen constitutes prior art for the current application. Because the above-identified references do not constitute prior art for the current application, Applicants respectfully assert that claims 1-16 are patentable over the cited references.

## CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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